

**Michael A. Fakhoury, Esq.**  
**Attorney for Debtor**  
**725 Route 9**  
**Fishkill, NY 12524**  
**(845)896-5200**

**HEARING DATE: JANUARY 31, 2017**  
**HEARING TIME: 9:15 A.M.**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In Re:

JOSEPH KNAPP

**CHAPTER 13**

**CASE NO. 13-37350 (CGM)**

Debtor.

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**NOTICE OF MOTION FOR FINAL COMPENSATION  
TO MICHAEL A. FAKHOURY, P.C.**

**PLEASE TAKE NOTICE** that the undersigned, being the attorney for the above referenced Debtors will move the above named Court at 355 Main Street, Poughkeepsie, NY 12601 on the **31st day of January 2017 at 9:15 AM** for an Order pursuant to 11 U.S.C. §330(a) and 503 and FRCP 2016(a) as follows:

- (a) Awarding compensation to Michael A. Fakhoury, P.C., attorney for the debtor in the total sum \$3,675.00; and
- (b) For such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE**, the answering papers, if any, shall be served upon and received by counsel for the debtor at the address indicated below and filed with the Court together with proof of such service, no later than three (3) days prior to the return date hereof.

Dated: Fishkill, New York  
January 6, 2017

By: /s/ Michael A. Fakhoury  
MICHAEL A. FAKHOURY, ESQ,  
*Attorney for Debtor*  
725 Route 9  
Fishkill, NY 12524  
(845) 896-5200

MICHAEL A. FAKHOURY, PC  
Attorneys for the Debtor  
725 Route 9  
Fishkill, New York 12524  
(845) 896-5200  
Michael A. Fakhoury, Esq. (MF5339)

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In Re:

JOSEPH KNAPP

Debtor.

**CHAPTER 13  
CASE NO. 13-37350 (CGM)**

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**APPLICATION FOR FINAL ALLOWANCE OF COMPENSATION  
TO ATTORNEY FOR DEBTORS PURSUANT TO  
11 U.S.C. SECTION 330 AND 11 U.S.C. §503(a)**

**TO THE HONORABLE CECELIA G. MORRIS, CHIEF UNITED STATES  
BANKRUPTCY JUDGE:**

The application of MICHAEL A. FAKHOURY, of the firm of MICHAEL A.  
FAKHOURY, P.C., respectfully represents:

**GENERAL BACKGROUND**

1. On October 26, 2013, JOSEPH A. KNAPP (hereinafter referred to as "Debtor"), filed a petition with this Court for relief pursuant to Chapter 13 of the Bankruptcy Code.
2. Your applicant, on behalf of the debtor, reviewed the debtor's financial circumstances, collected, drafted and filed a Chapter 13 Petition in Bankruptcy, represented and guided the debtor throughout the Chapter 13 Bankruptcy process. Your Applicant further represented the debtor in preparation of an Application pursuant to 11 USC § 363 (f)(3) to sell real property, and approve payment of expenses, including broker's commissions and legal fees at closing.

3. The debtor and his spouse own real property located at 3 Wright Blvd., Hopewell Junction NY 12533 ("the residence"). This real property is the debtor's primary residence.
4. The residence is encumbered by a first mortgage held by Wells Fargo Bank, N.A. The debtor's residence is further encumbered by a second lien held by Home Loan Investment Bank.
5. The debtor filed a Chapter 13 Petition in an effort to discharge unsecured debts and receive a discharge in bankruptcy.

#### **APPLICATION FOR FEES**

6. This application is made by Michael A. Fakhoury, Esq. for an allowance of additional compensation for professional services rendered to and on behalf of the debtor in seeking to sell his residence and pay commissions and legal fees.
7. Your applicant represented the debtor and has performed all necessary professional legal services in connection therewith. Your applicant and his Law Firm regularly maintain records of time expended in the rendition of such services. The entries in such records were made in the ordinary course of this firm's practice, concurrent with the rendition of such services. A summary of the time expended in representing the debtor with regard to selling his residence is annexed hereto as "Exhibit A".
8. Your applicant is not seeking any disbursements made on behalf of the Debtor.
9. On or about December 16, 2016, the debtor filed an application seeking to retain Coldwell Banker as Real Estate Broker with presentment of said Order Approving scheduled for January 4, 2017.

10. On or about December 16, 2016, the debtor filed an application seeking to retain Anthony J. Tripodi, Esq., as Special Counsel with presentment of said Order Approving also scheduled for January 4, 2017.
11. On or about January 6, 2017, the debtor filed an application seeking to sell his real property with a hearing to be held on January 31, 2017.
12. In pursuing this application, this Law Firm was required and found it necessary to conduct conferences with the debtor, communicate regularly with the real estate broker and the attorney handling the proposed sale of the property.
13. Your applicant has expended a total of **10.5** hours of attorney time in the rendition of its services to the debtor. Your applicant did not include any expenses or disbursements. The following is a brief description of the experience and background of your applicant:

I, Michael A. Fakhoury, Esq., have been practicing Bankruptcy Law since 1999. I graduated from Albany Law School (JD), 1997, Union College (MBA), 1998. I am a member of the Hudson Valley Bankruptcy Bar Association. Since 1999, I have successfully represented thousands of clients in Chapter 7 and Chapter 13 matters, represented individuals in foreclosure proceedings and represented clients in mortgage modification matters in both Bankruptcy Court and in New York State Supreme Courts.

14. Your applicant believes that the allowance sought herein for services rendered is fair and reasonable, particularly in view of the complexity of this case, the legal issues presented and the time and effort expended in providing the lender's attorney with all requested and required information and further providing this Court with status information and moving to approve a modification offer. Your applicant's time charge for the relevant period is Three Hundred Dollars (\$350.00) per hour. Utilizing the above-referenced standard time charges for **10.5** hours of attorney time at a rate of \$350.00 per hour.

15. Your applicant is not seeking reimbursement for the actual and necessary expenses incurred in connection with the rendition of professional services.
16. No previous allowance has been made to your applicant for the services rendered as hereinafter set forth. Your applicant has not shared or agreed to share compensation to be received by it or any other person for services rendered in connection with this matter. No agreement or understanding prohibited by 18 U.S.C. §155 has been made by your applicant.

**WHEREFORE**, your applicant respectfully requests that the Court enter an Order pursuant to 11 U.S.C. Sections 330 and 503 allowing final compensation in the amount of \$3,675.00 and for such other and further relief as to the Court may deem just and proper.

Dated: Fishkill, New York  
January 6, 2017

MICHAEL A. FAKHOURY, P.C.

By: /s/ Michael A. Fakhoury  
Attorney for Debtors  
725 Route 9  
Fishkill, NY 12524  
(845) 896-5200